



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of )  
Sijmem Sipma et al. ) Group Art Unit: 3742  
Application No.: 10/821,280 ) Examiner: TIMOTHY F. SIMONE  
Filing Date: April 9, 2004 ) Confirmation No.: 1048  
Title: APPARATUS FOR CUTTING AND )  
STIRRING CURD )  
)

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above. The requisite fee is  \$ 65  \$ 130.

Charge \$ 130 to Deposit Account 02-4800 for the fee due.  
 Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date March 20, 2008

By:

  
Matthew L. Schneider  
Registration No. 32814

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)  
1027651-000225

In re Application of: Sijmem Sipma et al.  
Application No.: 10/821,280  
Filed: April 9, 2004  
For: APPARATUS FOR CUTTING AND STIRRING CURD

The owner\*, TETRA LAVAL HOLDINGS & FINANCE S.A., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior patent No. 6,257,129 as the term of said prior patent is defined in 35 U.S.C. §§ 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
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1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Registration No. 32814

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Signature

March 20, 2008

Date

01 FC:1051

130.00 DA

Matthew L. Schneider

Typed or printed name

703 836 6620

Telephone Number

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

\*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.